

1 These discovery requests were Interrogatory No. 3 and Requests for Production Nos. 2 & 3, attached as part of Exhibit A to Plaintiff's motion for expedited discovery. *See* Docket No 30, Ex. A. Interrogatory No. 3 and Request for Production 2 concern communications between Defendant Joint Council of Allergy, Asthma & Immunology ("JCAAI") and Aetna referenced in a JCAAI newsletter dated February 13, 2013. Request for Production 3 concerns materials and communications relating to a webinar on September 10, 2013 co-sponsored by JCAAI and Defendant American Academy of Allergy, Asthma & Immunology ("AAAAI").


Kaufmann v. United States, 768 F.2d 719, 721 (5th Cir. 1985). Defendants' privilege logs do not establish Defendants' entitlement to privilege. Among other things, the privilege logs do not adequately describe the individuals involved in relevant communications and the nature of the documents redacted or withheld. Thus, the Court is unable to determine whether Defendants' privilege claims have merit.

To assist the Court in resolving this discovery dispute, Defendants are ORDERED to amend their privilege logs to adequately describe the individuals involved in the redacted and withheld communications and to adequately describe the nature of the documents redacted or withheld. Defendants may do so without revealing information itself privileged or protected. *See* FED. R. CIV. P. 26(b)(5)(A)(ii). Among other disclosures, Defendants must identify all third-parties who were involved in the redacted or withheld communications or to whom the communications were disclosed. Defendants must also identify all attorneys involved in the communications, the parties the attorneys represented at the time of the communications, and the nature of the attorneys' representation (e.g., in-house counsel, litigation counsel, or lobbyist). Defendants may also provide any other relevant information to support their claims for privilege. Defendants must file copies of their privilege logs with this Court and serve copies upon Plaintiffs.

Finally, the Court ORDERS Defendants to submit for *in camera* review unredacted copies of all documents redacted or withheld as privileged. Defendants may deliver the unredacted copies directly to chambers.

Defendants must comply with this Order on or before **July 3, 2014**.

SIGNED this 19th day of June, 2014.

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written above a horizontal line.

ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE